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INTERVIEW SUMMARY

Applicants report the summary of a personal interview with Examiner Cam Linh T Nguyen, which was held at the United States Patent and Trademark Office in Alexandria, Virginia on June 6, 2006 at 11:00 a.m. At the conclusion of the interview, the Examiner stated that she would provide an Interview Summary. At the time of preparing this response and statement of substance of the interview, Applicants' attorney had not received said Summary. Applicants, therefore, present the substance of the interview immediately below.

Present at the interview were Daniel Benton (Inventor); Gann Xu (Patent agent and Employee of Assignee of record) and Chyrrea Sebree, Attorney for Applicants.

The prior art cited by the Examiner, which forms the bases for Examiner's rejections, and which were discussed during the interview are: US 6,522,977; US 5,153,825; and Thunderbird ID Numbers 1955-93, Copyright 1994 by Amos Press Inc., pp.217-218.

During the interview, Applicants first presented to the Examiner a proposed amendment to impart further clarity to claims 1, 3 and 11. (Applicants present the amendment for entry in this response.)

Certain automobile color samples were brought to the interview to facilitate the discussion around variation in an automobile manufacturer's paint colors having the same paint codes, but which are applied to automobiles that are manufactured at different manufacturing sites. The interview discussion focused on the content of the cited references and the features disclosed in Applicants' specification. No agreement was reached.

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REMARKS

Claims 1-13 are pending in the present application. Claims 1-13 are rejected. Claims 1, 3 and 11 are amended. Support for these amendments is present on pages 4-6 of the specification. No new matter is added.

The Examiner has rejected claims 1-13 under 35 U.S.C. 103(a) as being unpatentable over Corrigan et al. (US 6,522,977). Applicants firmly, yet respectfully, traverse the rejection.

In determining obviousness, the four-prong test of Graham v. John Deere Co., 383 U.S. 1 (1966) is employed. This test requires examination of (i) the scope and content of the prior art; (ii) the level of ordinary skill in the prior art at the time of the invention; (iii) the differences, if any, between the claimed invention and the prior art; and (iv) the objective considerations of nonobviousness, such as commercial success, long-felt need, failure of others, and unexpected results. Iron Grip Barbell Co., Inc. v. USA Sports, Inc., 73 U.S.P.Q.2d 1225 (Fed. Cir. 2004). Applying the Graham factors, Applicants urge that the present invention is nonobvious over Corrigan et al.

The scope and content of prior art reference Corrigan et al. discloses, and in fact requires, among other elements, the use of a central computer system and a scanning device in the most basic form of the invention. Corrigan et al. offers two options for providing the vehicle-specific information into a remote terminal (step 10). Either the information is manually input into the remote terminal, or such information is scanned (col. 5, lines 4-7). Separately, Corrigan et al. requires that paint color data is input into a remote terminal, and this requires scanning (step 20). The paint scanning device used in step 10 of Corrigan et al. is a handheld device that includes a device that measures the reflectance of a paint sample over the visible spectrum (col. 6, lines 24-27).

The remote terminal used in steps 10 and 20 comprises a paint scanning device, for example, without limitation, spectrophotometer or calorimeter (error in original), a vehicle identifying input device, one or more input ports (I/O ports) and a remote storage means (col. 5, line 66 to col. 6, line 3). All reading devices are in communication with a central computer (col. 6, lines 8-9) (emphasis added). The

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scope and content of Corrigan et al. require both a central computer system and a scanning device. Applicants' invention does not.

The third factor of Graham requires an examination of the differences in the prior art and the claimed invention. The differences in the prior art reference and Applicants' invention are stated here. Corrigan et al. must use both a central computer system and a scanning device to communicate with that central computer. Applicants' invention operates by using certain data - the manufacturer's paint code and alphanumeric characters from the VIN, to extract data from a database. There is no requirement for a scanning device, and further, no need for a scanning device to be in communication with a central computer system.

In determining nonobviousness, the fourth factor of Graham considers the objective considerations, which includes the failure of others. It is noted that the method disclosed in Corrigan et al. uses the VIN and paint color data to search for a best match paint formulation by a paint matching process. The use of the vehicle identifying information and the paint color data may result in a paint formulation that cannot be interpolated or extrapolated with a predetermined degree of statistical confidence. Succinctly stated, Corrigan et al. admits that the disclosed method may fail to identify a best match (col. 5, lines 20-55).

Applicants' invention appreciates that the manufacturer's paint code as well as the manufacturing site (page 1, lines 22-29) are needed to address the possibility that a correct paint match is not based on information that is gathered from a number of sources using only the make, model year and manufacturer's paint code (page 2, lines 2-8). Moreover, Applicants' invention searches a database that contains the manufacturer's paint codes, refinish data assigned to each paint code that indicates the matching refinish colorcoat compositions created for that particular paint code, and alphanumeric characters assigned to each refinish colorcoat composition that indicates the model year and manufacturing site for which that particular refinish colorcoat composition was developed (claim 1(c)); and, identifies the refinish colorcoat composition in the database that matches the paint code, model year, and manufacturing site extracted from the vehicle, thereby revealing the refinish colorcoat composition that matches the color and color effect of the vehicle's original finish (claim 1(d)).

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Considering among things, Graham factors (i), the scope and content of Corrigan et al., (iii), the differences in Applicants' invention and the disclosure of Corrigan et al. and (iv), the admission in Corrigan et al. that a best match may not be found using the disclosed method. Applicants request reconsideration and withdrawal of the rejection of claims 1-13 under 35 U.S.C. 103(a) in view of Corrigan et al.

The Examiner also rejected pending claims 1-13 under 35 U.S.C. 103(a) as being unpatentable over Yauk et al (US 5,153,825) (Yauk) in view of the Cars & Parts Magazine, the Catalog of Thunderbird ID Numbers 1955-93", Copyright 1994 by Amos Press inc., pp. 217-218 (hereinafter "Thunderbird ID"). Applicants respectfully traverse the rejection.

Yauk is directed to a paint formula retrieval and management system. Paint formulas can be retrieved using a "paint formula number", which is either a vendor provided paint formulation number or a user created formulation number.

The Thunderbird ID reference explains the codes that are used to describe certain features of a vehicle, and defines the abbreviated codes, including the information contained in vehicle identification number and the paint code (among other codes: body type, molding, trim, a/c, radio and sunroof). While both references disclose automobile and paint information, the combination does not disclose or teach Applicants' invention.

Applicants' invention recites a method that is used to determine a refinish colorcoat composition that matches the color and color effect of a vehicle's original finish. While the secondary Thunderbird reference does discuss the information provided in a VIN, and separately defines the abbreviation for various paint codes, it does not (either alone, or in combination with Yauk) even hint at a method for using the VIN and the paint code to match the color of a vehicle's original finish, nor the vehicle's color effect.

Retrieval of a paint formulation does not equate to matching a color and/or color effect. Applicants' invention (claim 1(d)) includes "revealing the colorcoat composition that matches the color and color effect of the vehicle's original finish." "Retrieving a paint formula" as disclosed in Yauk is only part of Applicants' invention. Yauk in combination with Thunderbird ID does not disclose, teach, or suggest (i) searching a database that contains the manufacturer's paint codes to find the

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refinish data assigned to each paint code, nor (ii) identifying the refinsh colorcoat composition in the database that matches the paint code, model year, and manufacturing site extracted from the vehicle.

In fact, Yauk discloses that the files of the system include vendor's formulations and custom formulas created by the user. When searching, if a single variant of the formulation exists, it will be displayed. However, if multiple formulas exist, the user will select the formula. Consequently, information from the VIN of Thunderbird ID used in the system of Yauk could fail and ultimately result in visual or manual selection of a color and color effect for a vehicle. The drawbacks described by Applicants at page 1, line 34 to page 2, line 22 would persist.

When one considers the scope and content of Yauk and Thunderbird ID, it is clear that the references in combination do not disclose the limitations of Applicants' invention. Consequently, a prima facie case of obviousness has not been made and withdrawal of the rejection is proper.

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